

U.S. DISTRICT COURT
Southern District of Georgia

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

3/20/19

Deputy Clerk

ELIJAH AKEEN SAMPSON)
)
 Petitioner,)
)
 v.) CASE NOS. CV416-016
) CR412-018
 UNITED STATES OF AMERICA,)
)
 Respondent.)

O R D E R

On March 12, 2019, the Eleventh Circuit remanded this case to this Court for the limited purpose of determining what date Petitioner delivered his notice of appeal to prison authorities for mailing. (Doc. 24.) Petitioner contends that he submitted his notice of appeal on January 9, 2018. (Doc. 21.) This Court, however, did not receive his notice of appeal, postmarked on December 4, 2018, until December 10, 2018. (Id.) After a thorough review of the record and an exhaustive search by the Clerk of Court, this Court finds that Petitioner did not file any notice of appeal with this Court prior to December 10, 2018. There is absolutely no indication in the record that Petitioner actually attempted to mail any of the documents on the dates he alleges in his notice of appeal. Because the notice of appeal is postmarked on December 4, 2018, the Court finds that Petitioner delivered his notice of appeal on that

date. The Clerk is **DIRECTED** to send a copy of this order and the record to the Eleventh Circuit for further consideration.

SO ORDERED this 20th day of March 2019.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA